

Message Text

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DRAFTED BY EA/ANP - MR. KNOWLES

APPROVED BY EA - MR. HUMMEL

OSD/ISA - MR. RIDGE (SUBS)

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R 0'1359Z SEP 74

FM SECSTATE WASHDC

TO AMEMBASSY CANBERRA

INFO AMCONSUL PERTH

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E.O. 11652: GDS

TAGS: PFOR, MARR, AS, US

SUBJECT: SUIT AGAINST US BY AUSTRALIAN FIRM

1. AUSTRALIAN AMBASSADOR SHAW, ON INSTRUCTION, PRESENTED TO DEPARTMENT (ACTING ASSISTANT SECRETARY HUMMEL) ON SEPTEMBER 5 AIDE MEMOIRE ENTITLED COURT OF CLAIMS RECOMMENDATION CONCERNING A CLAIM BY CONCRETE INDUSTRIES (MONIER) LIMITED - NORTH WEST CAPE CONSTRUCTION - US CONTRACT N8950. TEXT FOLLOWS:

QUOTE: ON 14 APRIL 1970 THE AUSTRALIAN GOVERNMENT EXPRESSED TO THE DEPARTMENT OF DEFENSE INTEREST IN THE SATISFACTORY OUTCOME OF CERTAIN MATTERS AT ISSUE BETWEEN CONCRETE INDUSTRIES (MONIER) LIMITED, AN AUSTRALIAN COMPANY, AND THE UNITED STATES NAVY. (COPY OF AIDE MEMOIRE ATTACHED).

THE AUSTRALIAN GOVERNMENT UNDERSTANDS THAT A RECOMMENDATION HAS BEEN MADE TO THE UNITED STATES CONGRESS BY THE CHIEF COMMISSIONER OF THE UNITED STATES COURT OF CLAIMS (CONGRESSIONAL REFERENCE CASE NO. 6-70), INVOLVING THE AWARD OF FINANCIAL RELIEF TO THE EXTENT OF \$US 1,022,714 TO THE
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AUSTRALIAN COMPANY. THE AUSTRALIAN GOVERNMENT FURTHER

UNDERSTANDS -THAT THE FINAL RESOLUTION OF THIS MATTER WILL
REQUIRE A SPECIAL APPROPRIATION BY ACT OF CONGRESS.

THE AUSTRALIAN GOVERNMENT WISHES TO REITERATE ITS INTEREST

THAT THIS CLAIM SHOULD BE SETTLED SATISFACTORILY AND WOULD
APPRECIATE IT IF THE DEPARTMENT OF STATE COULD USE ITS GOOD
OFFICES TO ASSIST FAVOURABLE CONSIDERATION IN THE CONGRESS
OF THE RECOMMENDATION BY THE CHIEF COMMISSIONER OF THE
UNITED STATES COURT OF CLAIMS. END QUOTE.

2. AMBASSADOR SHAW REMARKED THAT THIS CLAIM BY AUSTRALIAN
COMPANY HAD CAUGHT ATTENTION OF GOA CABINET MINISTERS
INCLUDING DEFENSE MINISTER BARNARD.

3. MR. HUMMEL ASSURED AMBASSADOR THAT WE WOULD LOOK INTO
MATTER AND GIVE HIM INTERIM REPORT AS SOON AS POSSIBLE AS
TO WHAT STEPS DEPARTMENT MIGHT BE ABLE TO TAKE.

4. AMBASSADOR SHAW MADE SIMILAR APPROACH TO DOD ON
SEPTEMBER 6. KISSINGER

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*** Current Handling Restrictions *** n/a

*** Current Classification *** LIMITED OFFICIAL USE

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